

# **Exhibit “A”**

To: File  
 From: Blane  
 Subject: James Richard Burgess  
 Date: February 1, 2013

## MEMORANDUM

James Burgess contacted our office on Monday, January 28, 2013, regarding a serious oil field accident. I met with James and his wife Kay at TIRR Hermann Memorial Rehab Center in Houston, TX, on January 31, 2013. This is an "A" rated case. At the conclusion of our meeting, James elected to retain the services of our law firm. The contract was signed by James's wife due to the fact that he is paralyzed from the neck down and unable to sign his name.

James Burgess resides at 160 VZCR 2724, Mabank, TX, 75147. His home phone is 903-887-8591. His cell phone is 903-477-9274. His wife's cell phone is 903-477-4000. James was born November 26, 1963 and is 49 years of age. His Social Security is 467-06-2653, and his TX DL is 14538889. He is a married white male. His wife's name is Kay Sharon Burgess. He lists as emergency contact his daughter in law, Alisha Youngblood, at 903-603-6154. As he does not have an email address, he prefers to receive his law firm correspondence via USPS.

This accident occurred on December 14, 2012 at approximately 4:00 p.m. James was working as a floor hand for Patterson-UTI Drilling Company. He was working on their rig No. 253 in Susquehanna County, Pennsylvania. Patterson-UTI is a workers compensation subscriber. James was injured when a light, or an array of lights, fell from the top of the derrick. The lights were allegedly installed on the rig by an electrical sub-contractor. Most of the details of the accident James has learned from two (2) Patterson-UTI employees. One of those employees is Trevor Millsap from Rusk, TX. He is a driller for the Patterson-UTI. He was not the driller at the time of James's accident. His phone number is 903-284-3322. The other individual is also a driller. His name is Pete Yacoubin. His phone number is 970-201-1859. He was the driller on duty at the time of James's accident.

James has been told that the lights that fell and hit him on the neck were originally installed by Clark Electric. Allegedly the electrical contractor installed a four (4) foot light where a (2) foot light was required. James was told the tool pusher for Patterson approved the electrical contractor substituting the four (4) foot light for the two (2) foot light. James also has been told there were no safety cables attached to the light. He has heard that the electrical contractor, after installing the lights, came down from the top of derrick and handed to a Patterson-UTI employee the safety cables and told him those cables needed to be attached to the lights. It is not known why the electrical contractor did not attach the safety cables when the lights were installed. James has also heard that the tool pusher has said that the cables were on the lights.

This particular rig is a top drive rig. The initial explanation of the accident includes the fact that the top drive apparatus, when engaged, hit the four (4) foot light and knocked it from the top of the derrick onto the deck, striking James on the head. Trevor Millsap is an individual who allegedly can testify that there were no safety cables on the lights. He went up in the derrick after the accident. Also an individual by the name of Jordan Brady Baugh went up in the derrick after the accident and has said there were no safety cables on the lights.

James was airlifted from the rig to Community Medical Center in Scranton, Pennsylvania, for initial treatment and evaluation of his injuries. He had multiple surgeries at this hospital. The C4 vertebrae was shattered. Bone fragments were removed from his larynx. Also a spacer was put in his cervical spine where the vertebra had shattered. James is currently at TIRR Hermann Memorial Rehab Center in Houston. On February 6, 2013, he will be transferred to a rehab facility in the Woodlands. After several weeks of extensive rehabilitation therapy at this facility, he will be transferred back to Herman Memorial in Houston. He is presently paralyzed from the neck down. He has not been told by his treating physicians if his spinal cord has been permanently damaged.

James has worked for Patterson-UTI for 11 years. At that time of this accident he was working as floor hand. He has in the past been the designated safety man on Patterson rigs. He earns between \$60,000.00 and \$70,000.00 per year. He has worked in the oil field for the past 20 years.

James has medical insurance through his employer with Blue Cross Blue Shield. A copy of his medical insurance card has been attached to this memo.

Liberty insurance is the workers compensation carrier. The claim number is WC390-A89478. This claim is being administered by the Pennsylvania Department of Labor and Industry, Bureau of Workers Compensation. Their address is 1171 South Cameron Street, room 103, Harrisburg, Pennsylvania, 17104-2501. The website is [www.dli.state.pa.us](http://www.dli.state.pa.us).

Randy and I have met and discussed having Bobby McLean handle the investigation in this case. Below are some of my recommendations as to possible investigation that could be helpful:

1. Send Liberty Insurance Corporation a letter of representation requesting they preserve any evidence obtained in any investigation they have conducted.
2. Contact Liberty Insurance Corporation, specifically the subrogation adjuster, and determine what, if any, investigation they have conducted in this accident to date and requesting they provide us with a complete copy of their investigation file.
3. Contact the Pennsylvania Workers Compensation Bureau and determine what, if any, investigation they have conducted in this accident. Send an open records request to this agency requesting their complete file.

4. Contact the witnesses listed in the memo above to ascertain their knowledge of the facts surrounding this accident. In dealing with these witnesses it should be noted that our client was told any Patterson UTI employees that spoke with any outside parties about the accident would be fired.

5. Confirm the identity of the potential third party, the electrical contractor, which was preliminarily identified by our client as Clark Electric. Send this entity a letter of representation requesting they preserve any evidence obtained in any investigation they have conducted.

6. Send Patterson – UTI Drilling Company a letter of representation requesting they preserve any evidence obtained in any investigation they have conducted.

This file is being set up on Randy's department with Randy as the supervising attorney.

cc: Molly  
Rhonda  
Nick  
Blane

/bh

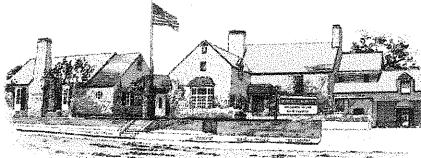
# **Exhibit “B”**

**RANDELL C. ROBERTS**  
\*Board Certified - Personal Injury Trial Law  
American Board of Trial Advocates

**MICHAEL ACE**  
\*Board Certified - Personal Injury & Civil Trial Law  
American Board of Trial Advocates  
\*Texas Board of Legal Specialization

www.robertslawfirm.com  
mail@robertslawfirm.com

**ROBERTS & ROBERTS**



**BRUCE L. ROBERTS**  
\*Board Certified - Personal Injury Trial Law

**KAREN R. ROBERTS**  
**NICANOR PESINA, JR.**

Tel: (903) 597-6655  
Fax: (903) 597-1600

**ATTORNEYS AT LAW**

118 W. Fourth Street  
Tyler, Texas 75701-4000

February 8, 2013

VIA FAX

Sheriff's Office  
Susquehanna County Courthouse  
P.O. Box 218  
Montrose, PA 18801

Re: Public Information Act Request

Date of  
Accident : December 14, 2012  
Victim : James R. Burgess

Dear Sirs:

This office represents James R. Burgess. We are writing pursuant to the Public Information Act to request a copy of all documents and electronically stored information in your possession relating to the above referenced accident.

We respectfully request that your response include the following items:

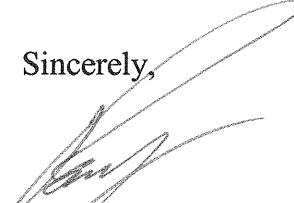
1. all photographs;
2. all videotapes;
3. all audiotapes, including but not limited to those made by wireless microphones worn in the course of the investigation of this accident;
4. all witness statements;

Sheriff's Office  
Page 2  
February 8, 2013

5. all measurements;
6. all sketches, drawings, and scale diagrams;
7. all field notes and handwritten notes; and
8. all related memos, correspondence and reports.

We will reimburse you for all reasonable expenses necessarily incurred by you in responding to this request. Please call us if you have any questions or concerns in responding to this request, or if it will in any way expedite your response to this request. Please notify us if you are unable to release any responsive items, or if responsive items are only available through another office. Your cooperation in this matter will be truly appreciated.

Sincerely,



Randell C. Roberts  
For the Firm

RCR/rbk

Enclosure

cc: Mr. James R. Burgess  
160 VZCR 2724  
Mabank, TX 75147

Sheriff's Office  
February 8, 2013

bcc: VIA EMAIL

Mr. Bobby McLean  
121 S. Broadway Suite 820  
Tyler, TX 75702

\* \* \* Communication Result Report (Feb. 8. 2013 5:11PM) \* \* \*

1)

Date/Time: Feb. 8. 2013 5:10PM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
2772 Memory TX	172*15702789268	P. 3	OK	

## Reason for error

E. 1) Hang up or line fail  
 E. 3) No answer  
 E. 5) Exceeded max. E-mail size

E. 2) Busy  
 E. 4) No facsimile connection

RANDELL C. ROBERTS  
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 American Board of Trial Advocates  
 MICHAEL ACE  
 Board Certified - Personal Injury & Civil Trial Law  
 American Board of Trial Advocates  
 \*Texas Board of Legal Specialization  
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[mail@robertslawfirm.com](mailto:mail@robertslawfirm.com)

**ROBERTS & ROBERTS**

*A Professional Corporation*  
**ATTORNEYS AT LAW**  
 118 W. Fourth Street  
 Tyler, Texas 75701-4000

BRUCE L. ROBERTS  
 Board Certified - Personal Injury Trial Law  
 KAREN R. ROBERTS  
 NICANOR PESINA, JR.

Tel: (903) 597-6655  
 Fax: (903) 597-1600

**FAX TRANSMISSION SHEET**

DATE: February 8, 2013  
 TO: Sheriff's Office / Susquehanna County Courthouse  
 FAX NO: (570) 278-9268  
 FROM: Randell C. Roberts  
 RE: James Burgess  
 COMMENTS: \_\_\_\_\_

NUMBER OF PAGES TRANSMITTED, INCLUDING THIS COVER PAGE: \_\_\_\_\_  
 PERSON TRANSMITTING: Rhonda Krisle

IF ALL PAGES OF THIS FAX ARE NOT RECEIVED, PLEASE CALL (903) 597-6655  
 AND ASK FOR: Rhonda Krisle

CONFIDENTIALITY NOTICE: The pages comprising this fax contain confidential information. This information is intended solely for use by the individual or entity named above as the recipient. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this fax is prohibited. If you have received this fax in error, please call us immediately so that we can arrange to retrieve this transmission at no cost to you.

**RANDELL C. ROBERTS**

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**MICHAEL ACE**

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# ROBERTS & ROBERTS



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## ATTORNEYS AT LAW

118 W. Fourth Street  
Tyler, Texas 75701-4000

Tel: (903) 597-6655  
Fax: (903) 597-1600

February 8, 2013

Susquehanna County 911  
County Office Building  
81 Public Ave  
Montrose, PA 18801

Re: Public Information Act Request

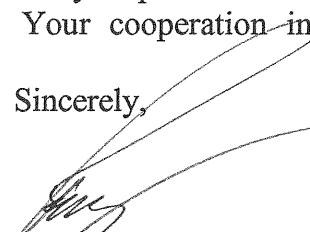
Date of	
Accident	: December 14, 2012
Victim	: James R. Burgess

Dear Sirs:

This office represents Mr. James R. Burgess. We are writing pursuant to the Public Information Act to request a copy of all recordings of 911 calls made at approximately 4:00 p.m. on December 14, 2012 which relate to Mr. Burgess's injury at Patterson-UTI Drilling Company Rig No. 243 in Susquehanna County, Pennsylvania.

We will reimburse you for all reasonable expenses necessarily incurred by you in responding to this request. Please call us if you have any questions or concerns in responding to this request, or if it will in any way expedite your response to this request. Please notify us if you are unable to release any responsive items, or if responsive items are only available through another office. Your cooperation in this matter will be truly appreciated.

Sincerely,

  
Randell C. Roberts  
For the Firm

RCR/rk  
Enclosure

**BRUCE L. ROBERTS**

\*Board Certified - Personal Injury Trial Law

**KAREN R. ROBERTS**

**NICANOR PESINA, JR.**

Susquehanna County 911

Page 2

February 8, 2013

cc: Mr. James R. Burgess  
160 VZCR 2724  
Mabank, TX 75147

Susquehanna County 911  
February 8, 2013

bcc: VIA EMAIL

Mr. Bobby McLean  
121 S. Broadway Suite 820  
Tyler, TX 75702

**RANDELL C. ROBERTS**

\*Board Certified - Personal Injury Trial Law  
American Board of Trial Advocates

**MICHAEL ACE**

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*A Professional Corporation*

## ATTORNEYS AT LAW

118 W. Fourth Street  
Tyler, Texas 75701-4000

Tel: (903) 597-6655  
Fax: (903) 597-1600

February 11, 2012

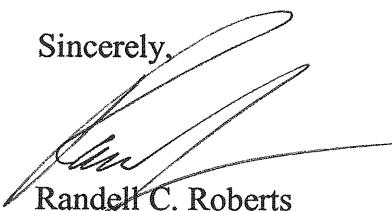
Pennsylvania Department of Labor and Industry  
Bureau of Workers Compensation  
1171 South Cameron Street, Room 103  
Harrisburg, PA 17104-2501

Re:	Claim No.	:	WC390-A89478
	Insured	:	Patterson-UTI Drilling Co.
	Victim	:	James R. Burgess
	Date of	:	
	Accident	:	December 14, 2012

Dear Sirs:

This is to confirm for your records that my office has been retained to represent James R. Burgess in his third-party claim arising out of the above referenced matter. Would you please contact me as soon as possible to discuss coordinating our investigation into this matter. Your cooperation in this regard will be truly appreciated.

Sincerely,

  
Randell C. Roberts  
For the Firm

RCR/rk

cc: Mr. James R. Burgess  
160 VZCR 2724  
Mabank, TX 75147

**BRUCE L. ROBERTS**

\*Board Certified - Personal Injury Trial Law

**KAREN R. ROBERTS**

**NICANOR PESINA, JR.**

Pennsylvania Department of Labor and Industry  
February 11, 2013

bcc: VIA EMAIL

Mr. Bobby McLean  
121 S. Broadway Suite 820  
Tyler, TX 75702

RANDELL C. ROBERTS

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### *A Professional Corporation*

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118 W. Fourth Street  
Tyler, Texas 75701-4000

Tel: (903) 597-6655  
Fax: (903) 597-1600

KAREN R. ROBERTS

NICANOR PESINA, JR.

February 12, 2013

VIA EMAIL

Clark Electrical Contractors, Inc.  
RR 6, Box 6217  
Montrose, PA 18801

Re: Victim : James R. Burgess  
Date of  
Accident : December 14, 2012

Dear Sirs:

This office has been retained by James R. Burgess to investigate his injuries on the Patterson-UTI Drilling Rig No. 253 in Susquehanna County, Pennsylvania on December 14, 2012. We trust that you are familiar with this incident.

We respectfully request that you preserve all documents, photographs, videotapes, electronically stored information, and other items which may be evidence that is relevant to our investigation, including but not limited to the electrical light that was the cause of Mr. Burgess's injuries and any safety cables or other accessories accompanying the light. In this regard, we further trust that you understand that destruction of evidence is a crime under Texas Penal Code §37.09 and United States Code Title 18 §1519.

Please turn this letter over to your commercial insurance carrier or legal representative and request that they contact our Legal Assistant, Rhonda L. Krisle. It is our desire to resolve this matter amicably without the necessity of further legal proceedings.

Sincerely,

Randell C. Roberts  
For the Firm

RCR/mb

cc: Mr. Christopher P. Clark  
RR 5, Box 6217  
Montrose, PA 18801

Clark Electrical Contractors, Inc.  
February 12, 2013

bcc: Mr. James R. Burgess  
160 VZCR 2724  
Mabank, TX 75147

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American Board of Trial Advocates

**MICHAEL ACE**

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**ROBERTS & ROBERTS**

*A Professional Corporation*

**ATTORNEYS AT LAW**

118 W. Fourth Street  
Tyler, Texas 75701-4000

Tel: (903) 597-6655  
Fax: (903) 597-1600

February 12, 2013

Pennsylvania State Police Department  
1800 Elmerton Ave.  
Harrisburg, Pa 17110

Re: Public Information Act Request

Date of	
Accident	: December 14, 2012
Victim	: James R. Burgess

Dear Sirs:

This office represents James R. Burgess. We are writing pursuant to the Public Information Act to request a copy of all documents and electronically stored information in your possession relating to the above referenced accident.

We respectfully request that your response include the following items:

1. all photographs;
2. all videotapes;
3. all audiotapes, including but not limited to those made by wireless microphones worn in the course of the investigation of this accident;
4. all witness statements;

**BRUCE L. ROBERTS**

\*Board Certified - Personal Injury Trial Law

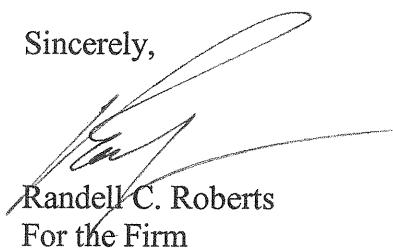
**KAREN R. ROBERTS****NICANOR PESINA, JR.**

Pennsylvania State Police Department  
Page 2  
February 12, 2013

5. all measurements;
6. all sketches, drawings, and scale diagrams;
7. all field notes and handwritten notes; and
8. all related memos, correspondence and reports.

We will reimburse you for all reasonable expenses necessarily incurred by you in responding to this request. Please call us if you have any questions or concerns in responding to this request, or if it will in any way expedite your response to this request. Please notify us if you are unable to release any responsive items, or if responsive items are only available through another office. Your cooperation in this matter will be truly appreciated.

Sincerely,



Randell C. Roberts  
For the Firm

RCR/rbk

Enclosure

cc: Mr. James R. Burgess  
160 VZCR 2724  
Mabank, TX 75147

Pennsylvania State Police Department  
February 12, 2013

bcc: VIA EMAIL

Mr. Bobby McLean  
121 S. Broadway Suite 820  
Tyler, TX 75702

# **Exhibit “C”**

James R. Burgess

February 26, 2013

### Jordan Bradybaugh Interview



Facebook Profile Picture

When I interviewed Mr. Yacoubian last week, he told me that Jordan Bradybaugh was working on the rig on the night of the accident, and that he might possibly agree to speak with me. Mr. Burgess had also mentioned Mr. Bradybaugh as a possible witness to the accident.

Before attempting to speak with Mr. Bradybaugh, I did a very brief background check on him. Here is what I found out:

- (1) Mr. Bradybaugh is the son of Ralph and Sheila A. Bradybaugh of Kane, Pennsylvania.
- (2) They all share the same home address, which is 116 Grandview Road, Kane, Pennsylvania, 16735. As far as I can tell, Mr. Bradybaugh has lived around Kane most of his life. He graduated from Kane High School in 2000. He went into the army after high school. After a tour in Iraq, Mr. Bradybaugh hit the oilfields. He started working for an unknown drilling company in Colorado. When he was working in that state, he had two different addresses, both apartments, in Denver.
- (3) Jordan turned 30 last October 18<sup>th</sup>.

I was able to reach Mr. Bradybaugh at the telephone number that was provided by Mr. Yacoubian, which was 303/358-2334. When I called him at around 6:00 this evening (our time). He agreed to talk with me.

Not very far into our conversation, I realized that Mr. Bradybaugh *needed* to talk to me. He confessed that since Mr. Burgess's accident, he had been beating himself up about it. He feels some sense of responsibility because he didn't think that a proper rig inspection was done before the accident. He told me that if he would have just gone up to the top of the derrick, he might have seen that the lights had been jarred loose. Bradybaugh said that he had spent a tour in Iraq, and that while he was there, he "saw some stuff" that bothered him. He said that what happened to Mr. Burgess bothered him because it didn't have to happen.

Notes made during our conversation document that we discussed the following:

- (1) Just to break the ice, I asked Mr. Bradybaugh to tell me what a derrick hand does, since that is his occupation. He rattled off quite a list of things that he does as a part of his job. He talked about running mud pumps, keeping up with all the chemicals going into and coming out of the ground. He mentioned "tripping pipe."

# **Exhibit “D”**

**James R. Burgess**

**March 12, 2013**

---

**Christopher P. Clark Interview**

Mr. Clark, d/b/a Clark Electrical Contractors, Inc., installed the light that fell on Mr. Burgess.

On February 12, 2013, Mr. Randall Roberts wrote to Mr. Clark and advised him that the Roberts & Roberts firm is representing Mr. Burgess. Mr. Roberts didn't make any demands in his letter, he merely requested that Mr. Clark protect whatever evidence he might have in his possession that pertains to this case.

This evening, I attempted to interview Mr. Clark. When I called the number that I thought was his residential phone number (570/278-1687), a recording advised that I had reached the offices of Clark Electrical Contractors. The recording advised that if it was after regular business hours, (which it was) I could reach Mr. Clark at his residence at 570/237-0647.

I called Mr. Clark at his residence. I introduced myself and told Mr. Clark that I am an investigator in Tyler, Texas, and that I am trying to find out how the accident that injured Mr. Burgess occurred. Mr. Clark told me that he wouldn't mind talking to me about it.

I started my questions with one about when the light was installed. I told Mr. Clark that I wasn't sure if the light had been installed when the rig was down, or if that was something that he was called out to the rig to do. Mr. Clark told me that the light fixture was installed when the rig was down.

I asked Mr. Clark if he could recall the name brand of the light fixture, the model number, or anything else about the light that might help me identify it. He replied, "You know I was told by my lawyer that if anyone called asking questions, I should just tell them to call the lawyers." When I asked him who the lawyers were, he said that he didn't know them. He said that they were hired by his insurance company.

I have no idea why Mr. Clark answered the question about when the light was installed, but then ended the interview when I asked him about the light fixture. It may be that he suddenly remembered that he wasn't supposed to be talking with me.

# **Exhibit “E”**

RANDELL C. ROBERTS

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American Board of Trial Advocates

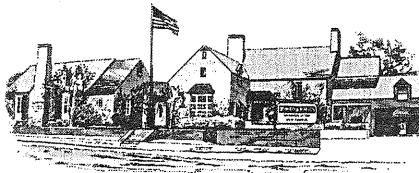
MICHAEL ACE

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American Board of Trial Advocates

\*Texas Board of Legal Specialization

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mail@robertslawfirm.com

# ROBERTS & ROBERTS



BRUCE L. ROBERTS

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KAREN R. ROBERTS

RORY C. DUKES

NICANOR PESINA, JR.

Tel: (903) 597-6655

Fax: (903) 597-1600

## ATTORNEYS AT LAW

118 W. Fourth Street  
Tyler, Texas 75701-4000

EV578912057US

March 20, 2013

VIA EMAIL  
AND  
EXPRESS MAIL

Mr. Jim Sheridan  
Shamrock Investigations and Consulting, Inc.  
P.O. Box 11  
Mountaintop, PA 18707

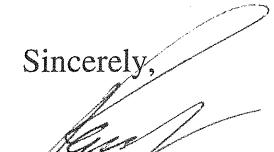
Re:	Client	:	James R. Burgess
	Employer	:	Patterson-UTI Drilling Co.
	Date of	:	
	Accident	:	December 14, 2012
	Location of	:	
	Accident	:	Drilling Rig No. 253, Susquehanna County, PA

Dear Mr. Sheridan:

As you know, my office represents Mr. James Burgess as a result of his above referenced accident. Please accept this letter as your authorization to investigate this matter on behalf of my office as well as Mr. Burgess.

I am enclosing with the original of this letter your retainer as well as authorizations for release of medical and other information executed by Mrs. Burgess on behalf of Mr. Burgess. Your professional assistance in this unfortunate matter is truly appreciated.

Sincerely,



Randell C. Roberts  
For the Firm

RCR/mb  
Attachments

# **Exhibit “F”**

**SHAMROCK INVESTIGATIONS AND CONSULTING, Inc.**

P.O. BOX 111  
MOUNTAINTOP, PA 18707

Phone 570-403-5195  
Fax 570-403-5365  
E-mail [sconsult@ptd.net](mailto:sconsult@ptd.net)

RCH  
 ASSOC  
 INV  
 RK  
 MB  
 SCND

April 2, 2013

**Work Product Privileged & Confidential**

Randell C. Roberts, Esquire  
Roberts & Roberts  
118 W. Fourth Street  
Tyler, TX 75701

RE: James R. Burgess vs Clark Electrical Contractors, Inc., et al  
Date of Incident: December 14, 2012  
Our File: 02275

**Assignment**

1. Contact First Responders/Reports;
2. Identify additional defendants;
3. OSHA reports;
4. Photograph Rig 253;
5. Interview witnesses; and
6. Identify light manufacturer/photographs.

**Investigation**

This investigation was conducted between March 19, 2013 and April 2, 2013.

**1. Contact First Responders/Reports**

**Montrose Minutemen Ambulance, 55 Grow Avenue, Montrose, PA, 570-278-9188**, was contacted on March 25, 2013 and the ambulance report obtained (see attached). No photographs of the scene were taken by the ambulance crew. An aeromedical helicopter transported Mr. Burgess from the scene to the hospital, but the life flight crew was not on the rig.

Auburn Township, PA has no local police force and would be patrolled by the **PA State Police Gibson Barracks, RD #1, Box 227B, New Milford, PA 18834, 570-465-3154**. The Gibson Barracks was contacted on March 24, 2013. Their records indicate no calls in Auburn Twp. on 12-14-2012 and no reports regarding this incident. The Trooper indicated they would not normally be called out on an industrial accident like this one.

**Elk Lake Volunteer Fire Department, RR 4, Box 182C, Montrose, PA, 570-278-2771**, were the Fire Department called to the scene, but according to witnesses they did not climb onto Rig 253 platform nor did they take any photographs. A search of this company's website confirmed no photographs were taken but also contained a video thanking Cabot Oil for a contribution.

## 2. Identify additional defendants

The gas well being drilled by **Patterson-UTI** is leased/owned by **Cabot Oil and Gas, 8279 Route 29, Montrose, PA 18801, 570-278-3518**. Patterson-UTI would be a subcontractor to Cabot Oil and Gas as Clark Electrical Contractors is a subcontractor to either Patterson-UTI or Cabot Oil.

Based on prior cases, Cabot Oil assigns an employee commonly known as the "company man" by the drilling company employees to oversee all their wells checking for compliance to safety and lease issues.

## 3. OSHA Reports

Contacted the local **OSHA office, Stegmaier Bldg., 7 N. Wilkes-Barre Blvd., Suite 410, Wilkes-Barre, PA 18702, 570-826-6538**, fax **570-821-4170**, to see if OSHA had become involve and filed a report for this incident. OSHA searched their records for both Patterson-UTI Drilling Co. and Cabot Oil and Gas and found no records.

The OSHA representative stated they would only get involved if the accident was a fatality or more than four (4) workers were injured in the incident. However, Patterson-UTI Drilling Company is no stranger to OSHA, including a fatal accident in Pennsylvania on January 14, 2011 (see attached).

## 4. Photograph Rig 253

**Photographs of Patterson UTI Drilling Company's Rig #253, SR 3006, Auburn Township, PA and close-ups of the lights on the rig were taken on March 25, 2013 (see attached).**

Two photographs were also taken of Patterson **Rig 254** which is also in Auburn Township, PA and had a sign at the entrance stating Patterson UTI. This rig is owned by Chief Oil & Gas Company (see attached).

## 5. Interview witnesses

A search was conducted to locate the home addresses and phone numbers for the ambulance crew. Two of the members were interviewed. **Justin Tyler, 2262 SR 3001, Meshoppen, PA 18630 (Parents address), cell 570-971-9271**, on April 1, 2013. Mr. Tyler stated:

*I do not specifically remember if the light was there or not as there was a lot of metal and things lying around on the top of the rig. We did not take any photos of the scene and it was Elk Lake Volunteer Fire Company who responded with us.*

*Elk Lake only had a handful of guys and they did not take any photos as they never came on top of the rig. I'm not sure, but maybe someone from the gas company took some photographs while we were there, but I'm guessing. They told us the light fell on his (Jim Burgess') neck and he went down and that was it. He was barely conscious when we arrived. We didn't know if he was going to make it or not, but that's about it. We got him on a backboard and stabilized him for transport to the helicopter and life flight. That is about all I remember.*

**Lindsey Witko, 696 Kiefer Road, Montrose, PA 18802, 570-877-9846**, was contacted on April 1, 2013 and stated:

*When we arrived the light was at Mr. Burgess' feet and was twisted, you could see where it had hit his hard hat first. I did not take a picture it just looked like a regular 4 foot light. I did not see the manufacturer's name or anything. The Elk Lake Volunteer Fire Department was there, but they were not up on the platform, only the ambulance crew and rig crew. I did not see anyone taking pictures. We just attended to Mr. Burgess and moved him down the rig to the life flight. The steps were very slippery and we needed the rig crew to help.*

**Chris Clark of Clark Electrical Contractors, Inc., 7645 SR 29, Montrose, PA, 570-278-1687**, was contacted on April 1, 2013:

*I asked Mr. Clark to identify the manufacture of light but he just said "it wasn't the light it was the piece of Patterson equipment that knocked the light off". Then Mr. Clark stated you have to talk to my legal Representative Jim Doherty when asked who he was Clark hung up.*

## **6. Identify light manufacturer/photographs**

Attempted to identify the manufactures of the light through Mr. Clark and the first responders, but none of the above would (Mr. Clark) or could provide the information.

## **Recommendations**

Based on the information developed, Mr. Clark and his company Clark Electrical Contractors, Inc., as well as Cabot Oil and Gas, would be negligent for either a faulty installation of the lights and or failure to properly inspect the rig for safety compliance.

As pointed out by your investigator, Bobby McLean, Patterson UTI-Drilling has multiple violations in Pennsylvania, as well as nationwide. There are certain exceptions to Pennsylvania's workers compensation law which should be explored.

James C. Sheridan, President  
Licensed Private Detective  
Shamrock Investigations & Consulting, Inc.